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Export and Import of Hazardous Waste Regulations

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User's Guide to Implementation

Canada



Canada's Green Plan
Le plan vert du Canada

1993

Your Comments, Please

This is the first version of the User's Guide to Implementation of the *Export and Import of Hazardous Wastes Regulations*. Since many of the provisions of these Regulations are new, this guide is written to explain the new Regulations to the people who will use them.

We are interested in your comments on the way this guide is written and how useful it was to you.

Please send any comments to:

Office of Waste Management
Hazardous Waste Management Division
Environmental Protection
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Other Brochures in this Series

- *User's Guide to Hazardous Waste Classification*
- *User's Guide to the Hazardous Waste Manifest*
- *User's Guide to the Hazardous Waste Export/Import Notice*
- *User's Guide to the Preparation and Handling of Labpacks*

This document is not meant to be the definitive interpretation of the Export and Import of Hazardous Wastes Regulations. Compliance must be based on the Regulations themselves.

Aussi disponible en français sous le titre, «Guide d'utilisation de l'application du Règlement sur l'exportation et l'importation des déchets dangereux»

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1 INTRODUCTION

1.1 Background

There is a growing concern about the volume of hazardous wastes being generated and transported throughout the world. In the past, one of the biggest problems in managing this waste was the lack of information on the movement of hazardous wastes. In recent years, a number of international agreements promoting waste tracking have been created.

On March 22, 1989, consistent with our commitment to global environmental protection, Canada signed the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*. The *Basel Convention*, which came into force on May 5, 1992, requires countries to control the shipments of the hazardous waste crossing their borders.

Canada has also supported the March 30, 1992 *Decision of the Council concerning the control of transfrontier movements of wastes destined for recovery operations* of the Organization for Economic Co-operation and Development (OECD). The *OECD Decision* encourages recycling by permitting modified controls for recyclable wastes when traded within OECD countries.

In signing these agreements, Canada made a commitment to develop national legislation to promote the environmentally sound management of hazardous wastes. This led to the development of the *Export and Import of Hazardous Wastes Regulations (EIHW Regulations)* under the *Canadian Environmental Protection Act (CEPA)*. Canada ratified the *Basel Convention* on August 28, 1992 and the *EIHW Regulations* came into force on November 26, 1992.

To avoid confusion with other regulations, the term "EIHW Regulations" is used in this guide to represent the Export and Import of Hazardous Wastes Regulations.

1.2 What is the purpose of this guide?

The international movement of hazardous waste is not a new issue and neither is the legislation to control these movements. In Canada, the *Transportation of Dangerous Goods Regulations (TDG Regulations)* and the *Canada-U.S.A. Agreement on the Transboundary Movement of Hazardous Waste* are both aimed at protecting human health and the environment during transport.

However, some of the requirements of the recent international agreements are different from those in place in Canada. The *EIHW Regulations*, which will replace the notification provisions previously in the *TDG Regulations*, were written to be compatible with the *Basel Convention* and the *OECD Decision*. As a result, many provisions of the *EIHW Regulations* are new to Canada.

This guide is designed to help people in Canada who are involved in international movements of hazardous waste to understand the *EIHW Regulations* and implement the new requirements.

This guide will be useful to anyone who generates, handles, transports, treats, recycles, stores, or disposes of hazardous waste where international shipments are involved.

1.3 How do I use this guide?

This guide is divided into ten sections, each dealing with a different aspect of the *EIHW Regulations*. Each section includes answers to the most common questions about the various provisions of the *EIHW Regulations*.

Included in the appendices are lists of useful definitions and appropriate contacts if you need additional information. The countries to and from which hazardous wastes may be shipped are listed in Appendix B and Appendix C.

2 GENERAL INFORMATION

2.1 What is the purpose of the EIIHW Regulations?

The main purpose of the *EIIHW Regulations* is to set out the conditions for export and import of hazardous wastes shipped across the Canadian border. This will help to ensure that shipments of hazardous wastes entering into, leaving, or passing through Canada can be tracked and controlled by Environment Canada with the assistance of various other governmental agencies. These Regulations will also ensure that Canadian hazardous waste exports have been consented to by the receiving country or province before shipment.

The *EIIHW Regulations* set out all of the conditions that must be met before any international shipment of hazardous waste can occur.

The goals of the *EIIHW Regulations* include:

- promoting environmental responsibility among all of those concerned before, during, and after the international movement of hazardous waste;
- allowing the governments of the countries of import, export, and transit to control which wastes enter or leave their respective countries;
- ensuring that any transportation accident involving an international movement of hazardous wastes will be cleaned up by requiring liability insurance coverage; and,
- ensuring that generators take responsibility for the transportation and handling of their waste from the site of generation to the site of final disposal or recycling.

The EIIHW Regulations are administered by the Hazardous Waste Management Division, Office of Waste Management of Environment Canada. All documents required by the EIIHW Regulations should be sent to the Chief of this division.

2.2 How do the Regulations work?

The *EIHW Regulations* require that the appropriate authority is notified of any intended international shipment of hazardous waste. An international movement may consist of an export from Canada, an import into Canada, or the transit of a hazardous waste from another country through Canada to a destination outside Canada.

Advance notice of a proposed shipment must be given to the Canadian authority who then notifies the authorities in the other countries or in the provinces concerned. Notification includes providing the authorities with such information as:

- the nature and quantity of waste involved;
- the addresses of the exporter, the importer, and the carrier(s);
- the proposed fate of the waste;
- proof of written contracts between exporters and importers;
- proof of insurance coverage; and
- if applicable, proof of the ocean dumping permit.

With this information, the authorities can determine whether a hazardous waste shipment complies with regulations for the protection of human health and the environment. If the conditions are met, the authorities then confirm that they do not object to the proposed shipment. If any authority objects, the shipment cannot proceed until this objection is lifted.

All hazardous wastes must be manifested, packaged, placarded, and labelled according to the requirements of both the *TDG Regulations* and the *EIHW Regulations*. A waste manifest must be used for every shipment. Copies of the manifest, the notice, the confirmation of consent, and any other required permits must accompany the waste during the shipment. The appropriate documents must also be deposited at Customs.

The receiver of the hazardous waste must return a completed copy of the manifest to Environment Canada within three days of accepting a shipment. Within 30 days after disposal or recycling, the facility must send a statement to Environment Canada certifying that the operation has indeed occurred.

If, after the international shipment has begun, the waste cannot be disposed of or recycled in the manner stated in the notice, the appropriate authorities must be notified. Alternate arrangements for the disposal or recycling must be made with the consent of the countries involved. If no other arrangements can be made, the exporter has the duty to re-import the waste in question.

2.3 *How are the Regulations set up?*

The *EIHW Regulations* are divided into four Parts :

- Part I** - General provisions regarding the notice.
- Part II** - Conditions for shipments destined for disposal, including requirements for imports, exports, transits, and insurance.
- Part III** - Conditions for shipments destined for recycling, including requirements for imports, exports, transits, and insurance:
 Division A - Full controls
 Division B - Modified controls
- Part IV** - Conditions for other arrangements for or return of a shipment that cannot proceed as stated in the notice.

Four Schedules form part of the *EIHW Regulations*:

- Schedule I** **Part I** - List of disposal operations.
 Part II - List of recycling operations.
- Schedule II** **Form 1** - Export/Import Notice Form.
 Form 2 - Transit Notice Form.
- Schedule III** List of hazardous waste requiring export and import notification.
- Schedule IV** Information required on application for advance approval for recycling facilities.

2.4 *Who will be affected by the EIHW Regulations?*

These Regulations will affect all persons and organizations involved in some aspect of the importation, exportation, or transit of hazardous waste where Canada is one of the countries involved. The *EIHW Regulations* define the responsibilities of exporters (generators), importers (disposers/recyclers), and carriers. The obligations of the importers and exporters are explained throughout this guide. Most of the carriers' responsibilities under the *EIHW Regulations* are related to documentation as described in Section 10 of this guide.

2.5 *Which authorities are involved?*

The *EIHW Regulations* are administered by Environment Canada. The Hazardous Waste Authority for all Canadian imports, exports, and transits through Canada is the Chief of the Hazardous Waste Management Division of the Office of Waste Management of Environment Canada.

The Hazardous Waste Management Division is the contact point for the competent authorities in other countries. Foreign authorities need not be contacted directly during the notification process. Provincial and foreign authorities will respond to a notice by contacting the Chief who in turn will forward the response to the notifier.

The role of Environment Canada includes:

- developing the *EIHW Regulations* and lists of hazardous waste and any subsequent amendments;
- processing all export, import, and transit notices and accompanying documents;
- acting as an intermediary between notifiers and the authorities in the provinces and in other countries where the waste will be sent for recycling or disposal; and,
- enforcing regulatory compliance by *CEPA* inspectors.

Two other federal agencies will assist in the implementation of the *EIHW Regulations*. Since international shipments are still subject to the *TDG Regulations*, Transport Canada will be involved. As well, Canada Customs will help to control the hazardous waste crossing the border by ensuring that the proper documents accompany each shipment.

Provincial authorities also play an important part. All imports into Canada are subject to provincial approval. The provinces may also have their own environmental legislation relating to the transportation of dangerous goods and waste management. The licensing of disposal and recycling facilities is a provincial responsibility.

As with any shipment of hazardous waste, the appropriate local authorities, such as the police or emergency response officials, may be involved if a transportation accident occurs.

It is important to remember that, when travelling through a given province, the shipment of the hazardous waste must also conform with provincial laws and policies.

3 GENERAL PROVISIONS

3.1 What is a country of export, import, or transit?

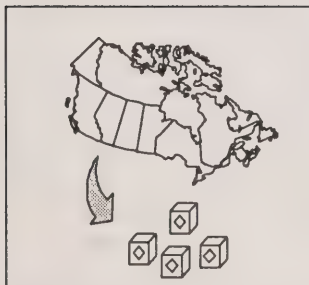
Section 2 of the
EIHW Regulations

For the purposes of the *EIHW Regulations*, the country of export is a country, other than a country of transit, from which a hazardous waste is being exported for recycling or disposal. This will normally be the country in which the waste is generated or the country where the shipment originates.

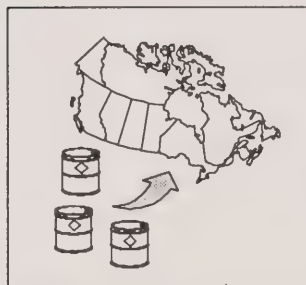
The definition of a country of import is broader. A country of import is a country, including any area in which this country is responsible for the protection of human health and the environment, into which a hazardous waste is being imported;

- for recycling or disposal in that country, or,
- for loading before recycling or disposal in an area outside the jurisdiction of any country (i.e., the open sea).

A country of transit is a country through which hazardous waste must pass after the shipment has left the country of export and before it reaches the country of import.



Export from Canada



Import into Canada



Transit through Canada

3.2 Which operations are considered to be recycling or disposal?

Section 2 of the
EIHW Regulations

Schedule I of the *EIHW Regulations* contains two lists. The first describes which processes are considered to be disposal operations. Storage pending any of the disposal operations is also considered to be disposal for the purposes of the *EIHW Regulations*. The second list describes recycling processes. As with disposal, storage pending any of the recycling operations is also considered to be recycling.

It is important to note that the operations described in these lists may not be environmentally acceptable practices in all countries or provinces. The facilities carrying out these operations must be authorized to do so in that country or province.

The *EIHW Regulations* also state that when only a portion of the waste is being recycled, the waste is considered to be destined for recycling. This recognizes the fact that waste recycling may only recover certain valuable components of the waste. For example, only the valuable metals may be recovered for re-use from a wastewater treatment sludge from an electroplating operation. This provision only applies when a given waste contains constituents that will be recycled, as opposed to when one barrel of waste in a large load of barrels is being recycled.

3.3 Who can act as an exporter of hazardous waste?

For the purpose of exports from Canada, an exporter must fit any of the following definitions:

- a person whose activities generated the hazardous waste;
- a person who is removing the hazardous waste from a site that this person owns or operates;
- a person who is acting on behalf of a government;
- a person who collects or receives the hazardous waste and then processes or bulks it for disposal or recycling; or,
- in the case of an export of hazardous waste listed in Part I, Division (C) or Parts III or IV of Schedule III of the *EIHW Regulations* destined for recycling in an OECD country or in the United States, a person who is in the business of buying hazardous waste for the purpose of selling it for recycling.

The exporter and any agent acting on the exporter's behalf must be residents of Canada or have a place of business in Canada. An exporter can hire an agent to assist with the export but the agent cannot sign any document which according to the *EIHW Regulations* requires the signature of the exporter.

3.4 Who can import hazardous waste?

For imports into Canada, an importer must fit either of the following definitions:

- a person who is a disposer or recycler of hazardous waste in Canada; or,
- in the case of an import of hazardous waste listed in Part I, Division (C) or Parts III or IV of Schedule III of the *EIHW Regulations* destined for recycling in an OECD country or in the United States, a person who is in the business of buying hazardous waste for the purpose of selling it for recycling.

The importer and any agent acting on the importer's behalf must be residents of Canada or have a place of business in Canada. Once again, no agent can sign any document which according to the *EIHW Regulations* requires the signature of the importer.

3.5 Can I ship hazardous waste to or from any country?

No. Consistent with the *Basel Convention*, hazardous waste cannot be disposed of or recycled in the Antarctic (south of 60° South of latitude) or in a country not party to the Convention unless Canada has an agreement with this country.

Use the following table to determine whether a shipment from a particular country may be allowed if all of the other applicable conditions set out in the *EIHW Regulations* are met.

Shipments of hazardous waste under the <i>EIHW Regulations</i>	U.S.A.	Party to the <i>Basel Convention</i>	Party to the <i>OECD Decision</i>
Waste for Disposal (Part II)	May be allowed	May be allowed	Not allowed unless also a party to the <i>Basel Convention</i>
Waste for Recycling (Part III, Division A)	May be allowed	May be allowed	May be allowed
Waste for Recycling (Part III, Division B)	May be allowed	Not allowed unless also a party to the <i>OECD Decision</i>	May be allowed

See Appendix B for a list of the parties to the *Basel Convention* and Appendix C for a list of the *OECD* countries. Remember, these lists are subject to change! Contact the Hazardous Waste Management Division to verify a country's status.

4 WASTE CLASSIFICATION

4.1 What is a hazardous waste?

The *EIHW Regulations* apply only to hazardous wastes. The definition of hazardous waste is given in Section 43 of *CEPA*. For the purpose of the *EIHW Regulations*, hazardous waste includes:

- any dangerous goods within the meaning of the *Transportation of Dangerous Goods Act* that are wastes according to the *TDG Regulations*; and
- any substance specified on the List of Hazardous Wastes Requiring Export or Import Notification in Part III, Schedule II of *CEPA*.

With a few additions, the *EIHW Regulations* cover the same wastes that are controlled under the *TDG Regulations*. For the most part, the wastes must meet the hazard criteria provided in Part III of the *TDG Regulations*. There are a few exceptions, in particular, the hazardous wastes listed in Parts I and IV of Schedule III of the *EIHW Regulations*.

Within the *EIHW Regulations*, there are different control regimes for different groups of hazardous waste. Figures 1 and 2, describe how to determine which Parts of the *EIHW Regulations* will apply to your waste.

Figure 1

Export and Import of Hazardous Waste for Disposal

Which wastes are subject to the EIHWS Regulations

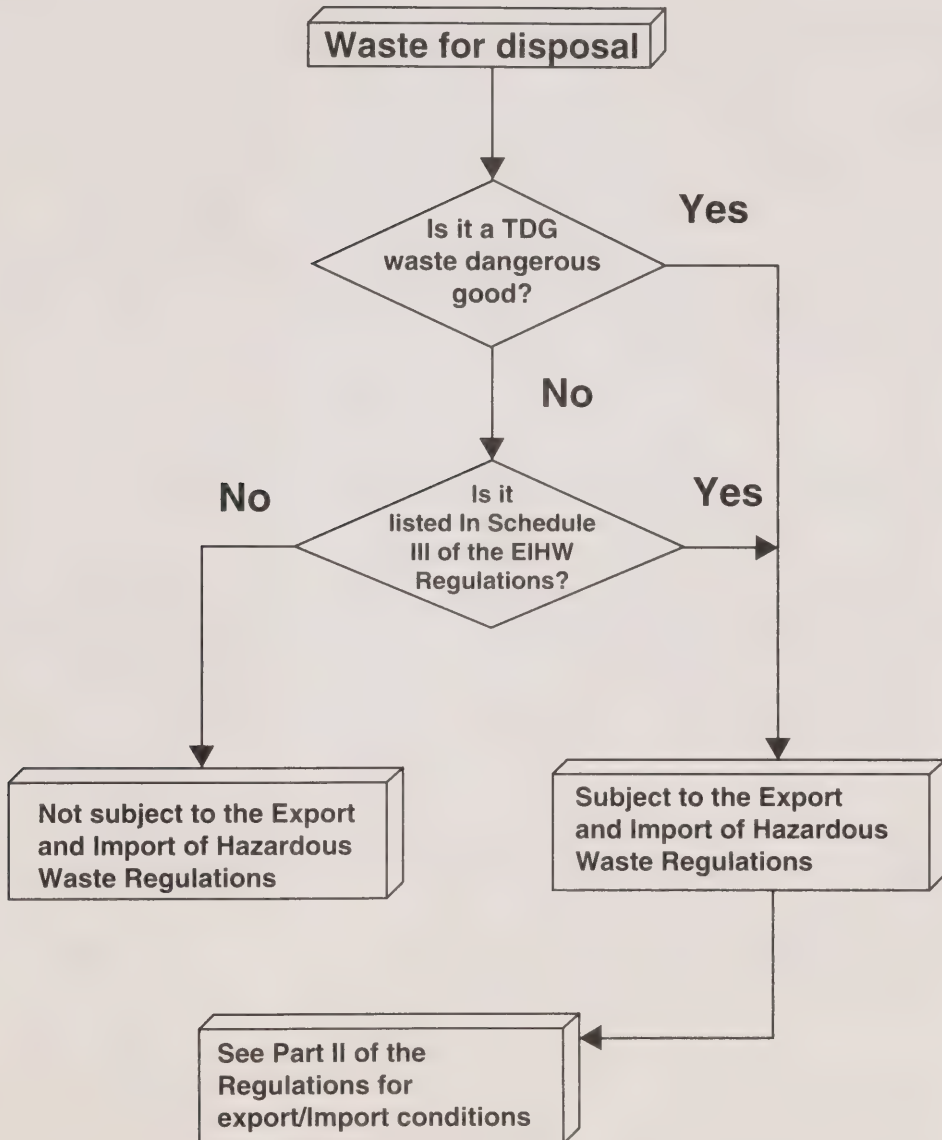
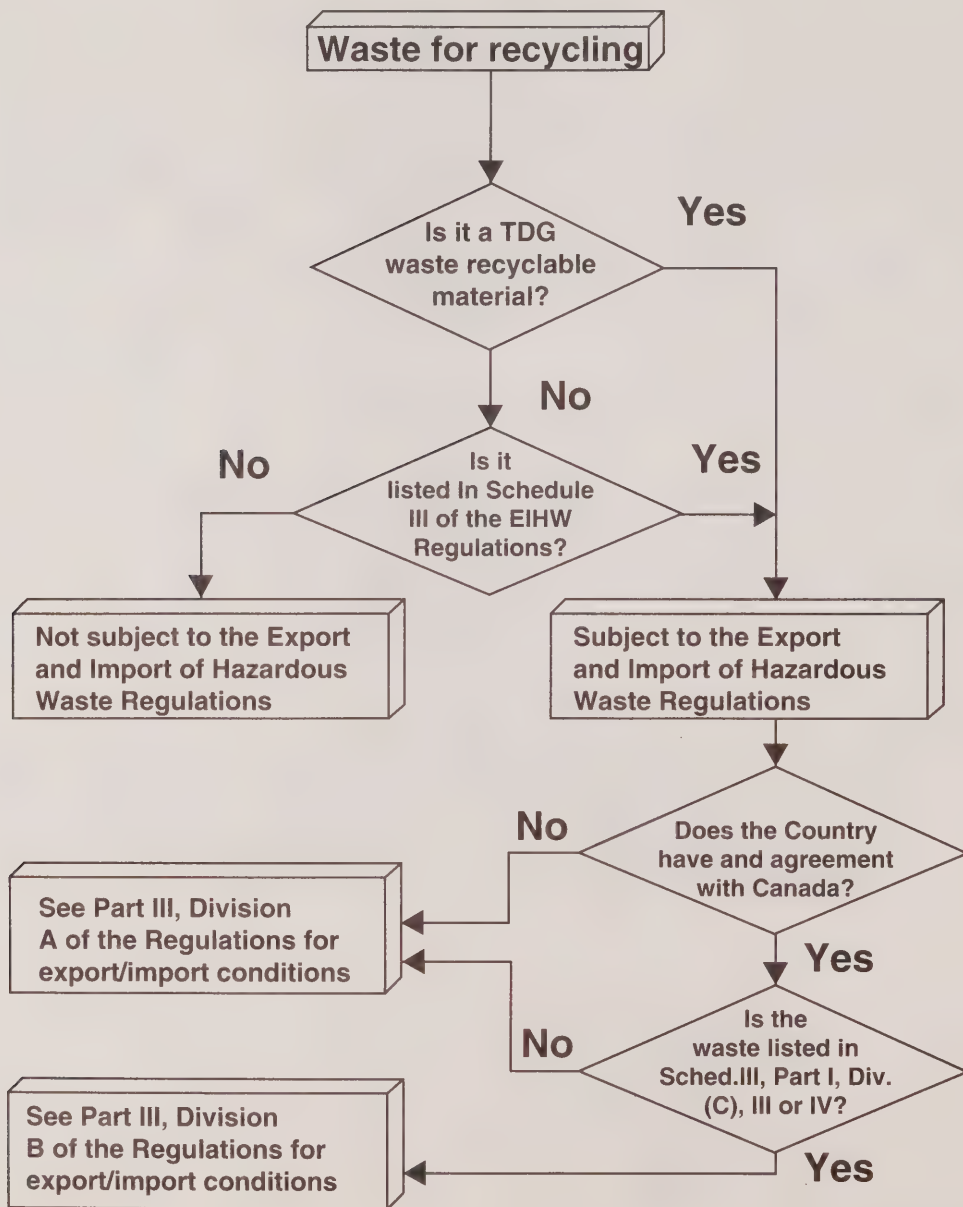


Figure 2

Export and Import of Hazardous Waste for Recycling

Which wastes are subject to EIHWR Regulations



4.2 What is a TDG waste dangerous good?

Three important definitions are used to determine whether a substance is controlled under the *TDG Regulations*: the definitions of "dangerous good", "waste" and "recyclable material".

A dangerous good is any product, substance, or organism included in any of the following classes as defined in Part III of the *TDG Regulations*:

- Class 1 - Explosives, including explosives within the meaning of the *Explosives Act*
- Class 2 - Gases: compressed, deeply refrigerated, liquified, or dissolved under pressure
- Class 3 - Flammable and combustible liquids
- Class 4 - Flammable solids; substances liable to spontaneous combustion; substances that on contact with water emit flammable gases
- Class 5 - Oxidizing substances; organic peroxides
- Class 6 - Poisonous (toxic) and infectious substances
- Class 7 - Radioactive materials and prescribed substances within the meaning of the *Atomic Energy Control Act*
- Class 8 - Corrosives
- Class 9 - Miscellaneous products, substances, or organisms considered to be dangerous to life, health, property, or the environment, including leachable toxic waste

The exclusion of household waste and material returned directly to the supplier for reprocessing, repackaging, or resale does not necessarily apply to the EIHW Regulations if these wastes are listed in Schedule III of the EIHW Regulations.

In the *TDG Regulations*, a waste is described as any dangerous good that is no longer used for its original purpose and that is recyclable material or intended for treatment or disposal. Specifically excluded from this definition are household wastes, materials in Classes 1 or 7, and any material that is returned directly to the manufacturer or supplier for reprocessing, repackaging, or resale.

Recyclable material is defined in Part I of the *TDG Regulations* to maintain consistency with *EIHW Regulations*.

All materials fitting the definitions for "dangerous goods", "waste" and, where applicable, "recyclable material" will be subject to export and import notification.

4.3 *Which wastes are included in Schedule III of the EIHWR Regulations?*

Schedule III of the *EIHWR Regulations* contains four lists of wastes that also require export or import notification. This Schedule is a reproduction of the list in Part III of Schedule II of CEPA that has been subdivided into several parts to distinguish the controls for different types of waste.

Schedule III is patterned after the list of wastes destined for recovery operations provided in the March 30th, 1992, Decision of the Council C(92)39/Final of the OECD.

Many of the items in Schedule III of the *EIHWR Regulations* have criteria, such as concentrations and classifications according to the *TDG Regulations*, in their description. These criteria must be met before the waste is considered hazardous.

If a waste is exactly as described in an item listed in Schedule III of the *EIHWR Regulations*, then it is a hazardous waste that is subject to the *EIHWR Regulations*.

4.4 *Who is responsible for classification?*

The person who provides Environment Canada with notification of an intended shipment has primary responsibility for waste classification.

In the case of an export, the Canadian generator/exporter must classify the hazardous waste and provide this information to Environment Canada.

For imports, the Canadian importer is responsible for determining the classification codes for the notice.

In the case of a transit through Canada, the foreign notifier, normally the carrier, must classify wastes destined for recycling or disposal outside Canada.

The notifier must have personal knowledge of the information on the notice form and certify that it is correct. It is very important that the notifier classify the hazardous waste correctly and determine the correct waste classification codes since consent will be based on this information.

All notices should be submitted to the Chief, Hazardous Waste Management Division, Office of Waste Management of Environment Canada

4.5 *How must the waste be classified?*

Information on each type of hazardous waste must be provided on the notice form, including the classification codes, the quantity of waste to be shipped, stated in kilograms or litres, and the type of packaging.

The notifier must try to estimate the total weight of the waste to be covered by the notice as close as possible to the actual weight since consent may be based in part on this value.

Except for items in Parts I and IV of Schedule III of *EIHW Regulations*, all hazardous waste must be classified according to the method described in the *TDG Regulations*. This requires determining the product identification number (PIN), hazard class, and packing group. The classification of the wastes listed in Parts I and IV of Schedule III is described directly in the *EIHW Regulations* themselves.

To allow the competent authorities to match incoming notices and requests for consent from other countries, the waste must also be described using an International Waste Identification Code (IWIC) and, in most cases, the hazardous waste ID number given in Column II of Schedule III of the *EIHW Regulations*.

The next few questions briefly outline these codes. Because of the importance of waste classification, another guide in this series covers this topic. The *User's Guide to Hazardous Waste Classification* provides step-by-step information on how to determine the classification codes required for both the *TDG Regulations* and the *EIHW Regulations*.

4.6 *How can I find TDG classification codes?*

The criteria and codes for waste classification can be found in Part III and in Schedule II, List II of the *TDG Regulations*. These codes help to determine what type and level of safety precautions must be taken when handling the waste. Three *TDG* codes are required on the notice: the PIN number, the primary class, and the packing group.

The PIN number, given in Schedule II, List II of the *TDG Regulations*, is a very specific code that identifies the chemical substance or type of substance.

The primary classification, defined in Part III of the *TDG Regulations*, describes the potential hazard that the waste may represent. The classification codes valid for hazardous waste are summarized in Table 1.

Each hazardous waste is assigned to a packing group that describes the level of hazard with a class:

Hazard level	Packing group
Extremely hazardous	I
Very hazardous	II
Moderately hazardous	III

Items in Schedule III, Part I and IV of the *EIHW Regulations* are not controlled under the *TDG Regulations* and therefore their classification is included in the *EIHW Regulations* instead. For more detailed information on hazardous waste classification, refer to the *TDG Regulations* or the *User's Guide to Hazardous Waste Classification*.

Table 1 Hazardous waste classes under the TDG Regulations

Hazard Description	Hazard Class
Gases	
Flammable gases	2.1
Non-flammable, non-toxic gases	2.2
Toxic gases (inhalation toxicity)	2.3
Toxic gases (corrosivity)	2.4
Flammable liquids	
Extremely flammable liquids	3.1
Highly flammable liquids	3.2
Moderately flammable liquids	3.3
Flammable solids	
Flammable solids	4.1
Spontaneously combustible substances	4.2
Substances which emit flammable vapours in contact with water	4.3
Oxidizers	
Oxidizing substances	5.1
Organic peroxides	5.2
Poisonous and infectious material	
Poisonous (toxic) substances	6.1
Infectious material	6.2
Corrosives	8
Miscellaneous dangerous goods	
Miscellaneous dangerous goods	9.1
Environmentally hazardous material	9.2
Dangerous waste; leachable toxic waste	9.3

4.7 How do I find an IWIC code?

International Waste Identification Codes (IWIC) were developed by the OECD to be compatible with the classification requirements of the *Basel Convention*. This code is divided into six parts. Each part is used to describe a different aspect of a given hazardous waste, as shown in Figure 3.

The numbers used to fill in the IWIC code were presented in the form of tables in the OECD Council Decision C(88)90 (Final). These tables have been reproduced in the Appendix of the *User's Guide to Hazardous Waste Classification* and are essential for the determination of IWIC codes.

For each portion of the code, the notifier should use these tables to determine the number of the item best representing the waste and enter it with the proper prefix letter (See Figure 3). Each part of the code is to be separated by a double slash (/). Certain portions of the code allow the entry of more than one number. In this case, each number should be separated by a plus sign (+).

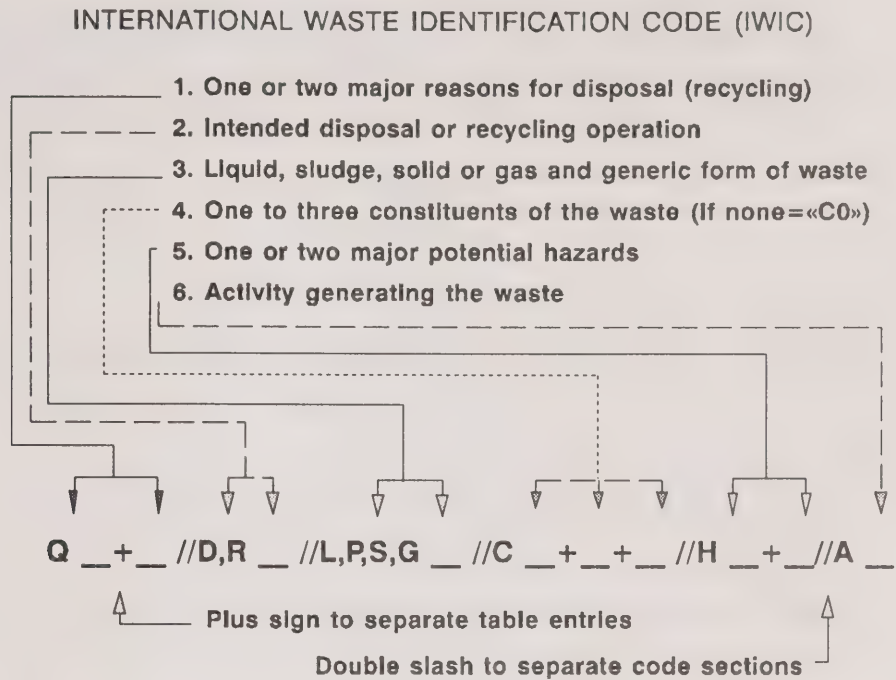
International Waste Identification Codes are less specific than those required by the *TDG Regulations*. They are meant to identify and highlight certain types of hazards and broad categories of hazardous waste. Finding this code should be relatively easy for the notifier once classification according to the *TDG Regulations* has been completed.

The notifier is the person who is the most knowledgeable about the waste in question. This person should know why the waste is being sent for disposal or recycling (Q), which process is going to be used to eliminate or treat the waste (D or R), and which activity generated the waste (A). The notifier should also be aware of the important physical and chemical characteristics of the waste such as its physical state (L,P,S,G) and its main hazardous components. The H portion of the code is very similar and, in most cases, corresponds exactly to the hazard class in the *TDG Regulations*.

It is important to note that L,P,S code 14 may not be valid in Canada since this code is meant to cover waste samples whose hazard is unknown. In Canada, all wastes subject to the *EIHW Regulations* must be classified according to the hazard they actually pose.

More information on IWIC codes can be found in the *User's Guide to Hazardous Waste Classification*.

Figure 3



4.8 What are waste ID numbers?

All OECD countries will be using a list of hazardous wastes similar to that in Schedule III of the *EIHW Regulations*. To allow the Canadian authorities to match incoming notices and requests from other countries, where applicable, the notice must state which of the item(s) in this Schedule the waste represents.

Each waste type in this list has been assigned a four digit waste ID number prefixed with the letters CR or CD. For each item in Schedule III, this code is found to the right of the Type of Hazardous Waste, in Column II. Simply find the code and description that best fits the waste in question. Except for certain *TDG* wastes in Class 9.1, it should be possible to find a Waste ID for all hazardous wastes.

4.9 What codes are used for packaging types?

Determining a packaging code is very straightforward. Simply pick the number from the following list:

Packaging	Code
Drum	01
Tank	02
Bulk	03
Carton	04
Bag	05
Roll-off or lugger	06
Other	07

4.10 I am an importer, not a generator. Why must I classify the waste?

If a waste is not considered to be hazardous in Canada, the importer is not required to notify even if the waste is considered to be hazardous in the country of export. However, the importer may wish to ensure that the Canadian authorities know that it is not required that Canadian notice be matched with a foreign exporter's application. This may speed up the issuance of consent.

Foreign generators will most likely have to classify waste according to the requirements of their country. However, methods of classifying hazardous waste vary greatly throughout the world. Many countries have their own national classification scheme and their own hazard criteria. Even smaller regions, such as the Canadian provinces, may have their own classification systems.

There are several reasons why all notifiers, including importers, must classify hazardous waste according to the requirements of the *EIHW Regulations*.

- The Canadian importer/exporter should determine whether the waste is actually subject to the *EIHW Regulations*.
- Most hazardous wastes have to be packaged, placarded, and labelled to comply with the *TDG Regulations* once they are in Canada.
- Consistent coding allows for more rapid issuance of consent from the appropriate authorities.
- International Waste Identification Code classification allows the shipment of hazardous waste to be compatible with the provisions of the *Basel Convention*.
- Hazard classification helps to ensure safe waste handling.

5. SUMMARY OF CONDITIONS ON EXPORTS, IMPORTS, AND TRANSITS

The *EIHW Regulations* state that no export from, import into, or transit through Canada of hazardous wastes can take place unless certain conditions are met.

This section consists of a series of tables describing the conditions, in general, for various types of international shipment involving Canada. The sections that follow give more information on a number of these conditions.

Most users of this guide will probably only be concerned with one or two of the following cases:

- Table 2** - Exports for Disposal Outside Canada
- Table 3** - Exports for Recycling, Full Export Controls
- Table 4** - Exports for Recycling, Modified Export Controls
- Table 5** - Imports for Disposal in Canada
- Table 6** - Imports for Recycling, Full Import Controls
- Table 7** - Imports for Recycling, Modified Import Controls
- Table 8** - Transits Through Canada

Table 2 **Conditions on Exports for Disposal**
Part II of the *EIHW Regulations*, Section 6

Applicability	All exports of hazardous waste from Canada destined for disposal operations.
General Conditions	The importing country is a party to the <i>Basel Convention</i> or to the Canada-U.S.A. Agreement. Disposal will not take place in the Antarctic. The export is not prohibited under Canadian law. The import is not prohibited in the country of import. An ocean dumping permit is obtained, if one is required.
Exporters and Agents	The exporter is the generator, the owner/operator of the generating site, acting on behalf of a government or collects/receives waste then processes or bulks it for disposal. The exporter and any agent are residents of Canada or corporations with a place of business in Canada. The exporter has not breached the undertaking given in the notice required in a previous export and takes all practicable measures to ensure transport and disposal in a manner that protects human health and the environment.
Authorization	The carrier is an authorized carrier; the facility is an authorized facility.
Insurance	The exporter and carrier(s) must be insured. (See <i>EIHW Regulations</i> , Section 9)
Contracts	There is a signed, written contract between the exporter and the foreign importer containing: the code for the proposed disposal operation as defined in Schedule I of the <i>EIHW Regulations</i> ; a requirement that the importer return the manifest within three days after acceptance of delivery and written confirmation 30 days after disposal; a statement that if waste is accepted but disposal cannot occur, the foreign importer will help the exporter to comply with the undertaking given in the notice. No confidential financial information is required.
Notice	The exporter must complete a notice as defined in Part I of the <i>EIHW Regulations</i> and send it to Environment Canada. The exporter must attach to the notice: a copy of the contract, proof of insurance (exporter and carrier), a copy of the ocean dumping permit, if applicable.
Consent	The exporter receives written confirmation from Environment Canada that the country of import has consented to receive the waste and if the shipment will pass through any transit countries, that these countries have not objected.
Manifest	The notice number must be on the manifest. The exporter must fill out Section A of the manifest. The carrier must fill out Section B of the manifest.
Transport Issues	Copies of the manifest, notice, and confirmation of consent from Environment Canada must be properly stored during transport as defined in the <i>TDG Regulations</i> and deposited at Canadian Customs. All hazardous waste must be properly packaged, labelled, and placarded.

Table 3 **Conditions on Exports for Recycling**
Full Export Controls
Part III of the *EIHW Regulations*, Section 11

Applicability	All exports of hazardous waste from Canada destined for recycling operations if the importing country does not have an agreement with Canada or if the waste is in Part I, Div. (A) or (B) or Part II of Schedule III of the <i>EIHW Regulations</i> for those countries that have an agreement with Canada.
General Conditions	The importing country is a party to the <i>Basel Convention</i> , the Canada-U.S.A. Agreement or the <i>OECD Decision</i> . Recycling will not take place in the Antarctic. The export is not prohibited under Canadian law. The import is not prohibited in the country of import.
Exporters and Agents	The exporter is the generator, the owner/operator of the generating site, acting on behalf of a government or collects/receives the waste then processes or bulks it for recycling. The exporter and any agent are residents of Canada or corporations with a place of business in Canada. The exporter has not breached the undertaking given in the notice required in a previous export and takes all practicable measures to ensure transport and recycling in a manner that protects human health and the environment.
Authorization	The carrier is an authorized carrier; the facility is an authorized facility.
Insurance	The exporter and carrier(s) must be insured. (See <i>EIHW Regulations</i> , Section 14)
Contracts	There is a signed, written contract between the exporter and the foreign importer containing: the code for the proposed recycling operation given in Schedule I of the <i>Regulations</i> ; a requirement that the importer return the manifest within three days after acceptance of delivery and written confirmation 30 days of recycling; a statement that if waste is accepted but recycling cannot occur, the importer will help the exporter to comply with the undertaking given in the notice. No confidential financial information is required.
Notice	The exporter must complete a notice as defined in Part I of the <i>EIHW Regulations</i> and send it to Environment Canada. The exporter must attach to the notice: a copy of the contract, proof of insurance (exporter and carrier).
Consent	The exporter receives written confirmation from Environment Canada that the country of import has consented to receive the waste and if the shipment will pass through any transit countries, that these countries have not objected.
Manifest	The notice number must be on the manifest. The exporter must fill out Section A of the manifest. The carrier must fill out Section B of the manifest.
Transport Issues	Copies of the manifest, notice and confirmation of consent from Environment Canada must be properly stored during transport as required by the <i>TDG Regulations</i> and must be deposited at Canadian Customs. All hazardous waste must be properly packaged, labelled, and placarded.

Table 4 **Conditions on Exports for Recycling**
Modified Export Controls
 Part III of the *EIHW Regulations*, Section 16

Applicability	All exports of hazardous waste from Canada destined for recycling operations if the country of import has an agreement with Canada and the waste is listed in Part I, Division (C) or Parts III or IV of Schedule III of the <i>EIHW Regulations</i> .
General Conditions	Recycling will not take place in the Antarctic. The export is not prohibited under Canadian law. The import is not prohibited in the country of import.
Exporters and Agents	The exporter is the generator, the owner/operator of the generating site, is acting on behalf of a government or collects/receives the waste and then processes or bulks it for recycling or who is in the business of buying hazardous waste for the purpose of selling it for recycling. The exporter and any agent are residents of Canada or corporations with a place of business in Canada. The exporter has not breached the undertaking given in the notice in a previous export and takes all practicable measures to ensure transport and recycling in a manner that protects human health and the environment.
Authorization	The carrier is an authorized carrier; the facility is an authorized facility.
Insurance	The exporter and carrier(s) must be insured as defined in subsection 16(2) of the <i>EIHW Regulations</i> .
Contracts	<p>There is a signed, written contract between the exporter and the foreign importer containing:</p> <ul style="list-style-type: none"> • the code for the proposed recycling operation as given in Schedule I of the <i>EIHW Regulations</i>; • a requirement that the importer return the manifest within three days after acceptance of delivery and written confirmation 30 days of recycling; • a statement that if waste is accepted but recycling cannot occur, the importer will help the exporter to comply with the undertaking given in the notice; • if the recycling operation is R12 or R13 in the country of import, a term that prohibits the importer from subsequently exporting the waste unless Environment Canada is notified and the importer certifies that all practical measures have been taken to ensure the transport and recycling in a manner that protects human health and the environment, and does not receive an objection from Environment Canada within 30 days of receipt of the letter of acknowledgement of notification. No confidential financial information is required.
Notice	The exporter must complete a notice as defined in Part I of the <i>EIHW Regulations</i> and send it to Environment Canada. The exporter must attach to the notice: a copy of the contract, proof of insurance (exporter and carrier).

Consent	<p>The exporter must:</p> <ol style="list-style-type: none"> 1) have received written confirmation from Environment Canada that the country of import has consented to receive the hazardous waste; 2) not have been advised by Environment Canada within 30 days after receiving the letter of acknowledgement of receipt of notification that the importing country has objected to the shipment; or, 3) in the case of a pre-approved facility, not have been advised by Environment Canada within seven days after receiving the letter of acknowledgement of receipt of notification that the importing country has objected to the shipment. <p>If the shipment will pass through any transit countries, that these countries have not objected.</p>
Manifest	<p>The notice number must be on the manifest. The exporter must fill out Section A of the manifest. The carrier must fill out section B of the manifest.</p>
Transport Issues	<p>Copies of the manifest, notice, and confirmation of consent or acknowledgement of receipt from Environment Canada must be properly stored during transport as required by the <i>TDG Regulations</i> and must be deposited at Canadian Customs. All hazardous waste must be properly packaged, labelled, and placarded.</p>
Final Destination	<p>Where a waste has been previously imported into Canada and was subjected to recycling operation R12 or R13 in Canada and is to be exported to another country for recycling, the exporter sends to the country of origin at least 30 days before the intended export a written notice and certification that he/she has taken all practicable measure to ensure that the waste will be transported and recycled in a manner that protects human health and the environment.</p>

Table 5 **Conditions on Imports for Disposal**
Part II of the *EIHW Regulations*, Section 7

Applicability	All imports of hazardous waste into Canada destined for disposal operations.
General Conditions	The exporting country is a party to the <i>Basel Convention</i> or to the Canada-U.S.A. Agreement. The import is not prohibited under Canadian law. An ocean dumping permit is obtained, if one is required.
Importers and Agents	The importer is the disposer of the hazardous waste in Canada. The importer and any agent are residents of Canada or corporations with a place of business in Canada. The importer has not breached the undertaking given in a previous export and takes all practicable measures to ensure transport and disposal in a manner that protects human health and the environment.
Authorization	The carrier is an authorized carrier; the facility is an authorized facility.
Insurance	The importer and carrier(s) must be insured. (See <i>EIHW Regulations</i> , Section 9)
Contracts	There is a signed, written contract between the importer and the foreign exporter containing: the code for the proposed disposal operation as given in Schedule I of the <i>EIHW Regulations</i> ; a requirement that the importer return the manifest within three days after the acceptance of delivery and written confirmation 30 days after disposal; a statement that if waste is accepted but disposal cannot occur, the importer will take all practicable measures to help the country of export to comply with Article 8 of the <i>Basel Convention</i> (duty to re-import). No confidential financial information is required.
Notice	The importer must complete a notice as defined in Part I of the <i>EIHW Regulations</i> and send it to Environment Canada. The importer must attach to the notice: a copy of the contract, proof of insurance (importer and carrier), a copy of the ocean dumping permit, if applicable.
Consent	The importer has received written confirmation from Environment Canada that the disposal of the waste is permissible under the laws of the province in which the importer proposes to carry out the disposal operation. If the shipment will pass through any transit countries, that these countries have not objected.
Manifest	The notice number must be on the manifest. The foreign exporter must fill out portion A of the manifest. The carrier must fill out section B of the manifest.
Transport Issues	Copies of the manifest, notice, and confirmation of consent from Environment Canada must be properly stored during transport as required by the <i>TDG Regulations</i> and must be deposited at Canadian Customs. All hazardous waste must be properly packaged, labelled, and placarded.

Table 6 **Conditions on Imports for Recycling**
Full Import Controls
Part III of the *EIHW Regulations*, Section 12

Applicability	All imports of hazardous waste into Canada destined for recycling operations if: the country of export is not a party to the <i>OECD Decision</i> or the Canada-U.S.A. Agreement; or, if is listed in Part I, Divisions (A) or (B), or Parts II of Schedule III of the <i>EIHW Regulations</i> .
General Conditions	The exporting country is the U.S.A. or is a party to the <i>Basel Convention</i> or the <i>OECD Decision</i> . The import is not prohibited under Canadian law.
Importers and Agents	The importer is the recycler of the hazardous waste in Canada. The importer and any agent are residents of Canada or corporations with a place of business in Canada. The importer has not breached the undertaking given in a previous export and takes all practicable measures to ensure transport and recycling in a manner that protects human health and the environment.
Authorization	The carrier is an authorized carrier; the facility is an authorized facility.
Insurance	The importer and carrier(s) must be insured. (See <i>EIHW Regulations</i> , Section 14)
Contracts	There is a signed, written contract between the importer and the foreign exporter containing: the code for the proposed recycling operation as given in Schedule I; a requirement that the importer return the manifest within three days after acceptance of delivery and written confirmation 30 days of recycling; a statement that if waste is accepted but recycling cannot occur, the importer will take all practicable measures to help the exporting country comply with Article 8 of the <i>Basel Convention</i> (duty to re-import). No confidential financial information is required.
Notice	The importer must complete a notice as defined in Part I of the <i>EIHW Regulations</i> and send it to Environment Canada. The importer must attach to the notice: a copy of the contract, proof of insurance (exporter and carrier).
Consent	The importer has received written confirmation from Environment Canada that the recycling of the waste is permissible under the laws of the province in which the importer proposes to carry out the recycling operation. If the shipment will pass through any transit countries, that these countries have not objected.
Manifest	The notice number must be on the manifest. The foreign exporter must fill out Section A of the manifest. The carrier must fill out Section B of the manifest.
Transport Issues	Copies of the manifest, notice, and confirmation of consent from Environment Canada must be properly stored during transport as required by the <i>TDG Regulations</i> and must be deposited at Canadian Customs. All hazardous waste must be properly packaged, labelled, and placarded.

Table 7 **Conditions on Imports for Recycling**
Modified Import Controls
Part III of the *EIHW Regulations*, Section 17

Applicability	All hazardous waste imported for recycling in Canada where the country of export is party to the <i>OECD Decision</i> and the waste is listed in Part I, Division I(C) or Parts III or IV of Schedule III of the <i>EIHW Regulations</i> .
General Conditions	The import is not prohibited under Canadian law.
Importers and Agents	The importer is the recycler of the waste in Canada or who is in the business of buying hazardous waste for the purpose of selling it for recycling. The importer and any agent are residents of Canada or Canadian companies. The importer has not breached the undertaking in a previous export and takes all practicable measures to ensure transport and recycling in a manner that protects human health and the environment.
Authorization	The carrier is an authorized carrier; the facility is an authorized facility.
Insurance	The exporter and carrier(s) must be insured as in section 14 of the <i>EIHW Regulations</i> , except that the coverage need only be at least \$1 000 000.
Contracts	There is a signed, written contract between the importer and the foreign exporter containing: the name of the recycling operation; a requirement that the importer return the manifest within three days of delivery and written confirmation 30 days of recycling; a statement that if delivery is accepted but recycling cannot occur, the importer will take all practicable measures to help the exporting country comply with Article 8 of the <i>Basel Convention</i> (duty to re-import). No confidential financial information is required.
Notice	The importer must complete a notice as defined in Part I of the <i>EIHW Regulations</i> and send it to Environment Canada. The importer must attach to the notice: a copy of the contract, proof of insurance (importer and carrier).
Pre-approved Facility	To be a pre-approved facility the following conditions must be met: 1) the owner/operator of the facility must have submitted to Environment Canada the application for advance approval given in Schedule IV of the <i>EIHW Regulations</i> and a copy of the facility's liability insurance policy. 2) the owner/operator must have received confirmation from Environment Canada that the facility has been granted by the province advance approval for a given time period and for a specific quantity of the waste in question. 3) the time period for the advance approval has not lapsed and the total quantity of waste received by facility is less than the approved total. 4) the importer and the owner/operator have not been informed by Environment Canada that the province has withdrawn its advanced approval.

Consent	<p>The importer must:</p> <ol style="list-style-type: none"> 1) have received written confirmation from Environment Canada that the recycling of the waste is permissible under the laws of the province in which the importer proposes to carry out the recycling operation; 2) not have been advised by Environment Canada within 30 days after receiving the letter of acknowledgement of receipt of notification that the recycling of the waste is not permissible under the laws of the province in which the importer proposes to carry out the recycling operation; or, 3) in the case of a pre-approved facility, not been advised by Environment Canada within seven days after receiving the letter of acknowledgement of receipt of notification that the recycling of the waste is not permissible under the laws of the province in which the importer proposes to carry out the recycling operation. <p>If the waste will go through a transit country, the importer receives written confirmation from Environment Canada that this country has not objected to the shipment.</p>
Manifest	<p>The notice number must be on the manifest. The foreign exporter must fill out Section A of the manifest. The carrier must fill out Section B of the manifest.</p>
Transport Issues	<p>Copies of the manifest, notice, and confirmation of consent or acknowledgement of receipt from Environment Canada must be properly stored during transport as required by the <i>TDG Regulations</i> and must be deposited at Canadian Customs. All hazardous waste must be properly packaged, labelled, and placarded.</p>
Final Destination	<p>Where a waste is to be recycled in Canada using operations R12 or R13 and is subsequently to be exported for recycling, the importer receives from Environment Canada acknowledgement that the previous exporting country consents to the export of the waste to the country of the final destination.</p>

Table 8 **Conditions for Transit Through Canada**
Sections 8, 13 and 18 of the *EIHW Regulations*

Applicability	The conditions apply to all shipments of hazardous waste originating outside of Canada which will pass through Canada in transit for recycling or disposal at a facility outside Canada.
General Conditions	Neither the import nor the export of the hazardous waste is prohibited under the laws of Canada.
Insurance	The carrier is insured in accordance with Section 9 (disposal) or 14 (recycling) of the <i>EIHW Regulations</i> .
Notice	A transit notice as defined in Schedule II, Form 2 of the <i>EIHW Regulations</i> is completed and sent to Environment Canada.
Consent	If the country of import is the same as the country of export, the carrier has received written confirmation from Environment Canada that the notice has been received. If the country of import is not the same as the country of export, the country of export has notified Environment Canada that the country of import and any transit countries have consented to the shipment.
Manifest	The reference number of the notice is on the manifest. The person who exports from the country of export must complete Section A of the manifest. The carrier must fill out Section B of the manifest. The manifest, a copy of the notice, and written confirmation accompanies the hazardous waste is located as required in <i>TDG Regulations</i> during transport and copies of these documents are deposited at the appropriate customs points.

6 NOTIFICATION

Part I of the EIHWS Regulations Schedule II of the EIHWS Regulations

6.1 What does notification involve?

*Section 3 of the
EIHWS Regulations*

Notification is a process by which exporters and importers notify the authorities of their intention to send or receive international shipments of hazardous waste. No shipment can proceed unless written consent or, in certain cases, tacit consent is obtained.

For the *EIHWS Regulations*, notification involves completing a notice form specifying the details of the intended shipment and attaching certain supporting documents. The Hazardous Waste Management Division can then review the notice to ensure that it is complete before forwarding it to the appropriate provincial or foreign government authorities for consent.

A completed notice form must be sent to the Chief of the Hazardous Waste Management Division for each intended import or export of hazardous waste, including shipments for which Canada is only a country of transit. The notice must be submitted within one year of the proposed export or import. It may be sent by registered mail, facsimile, or courier.

These forms must be obtained through Environment Canada, since each notice form will have a unique reference number. This reference number is important in the tracking of the shipment and of all other documents associated with a particular shipment or series of shipments. For example, the notice number must be entered on the manifest that accompanies the waste during transport.

6.2 *Who must complete the notice?*

The *EIHW Regulations* are very specific with respect to who must notify Environment Canada. In the case of an export of hazardous waste, the Canadian generator/exporter is responsible for completing the notice and for making sure that all of the documents that must accompany the notice are provided to Environment Canada. See Section 3.3 of this guide for the definition of an exporter.

For imports, the Canadian recycler/disposer/importer must provide Environment Canada with a notice. Environment Canada will then try to match this notice with the incoming request for permission to ship from the foreign exporter or the exporting country. See Section 3.4 of this guide for the definition of an importer.

A transit is defined as an import followed by a subsequent export. The notice must be completed by the person who is importing or exporting the waste into or from Canada. Therefore, when Canada is simply a country of transit, the notifier will normally be the carrier of the hazardous waste.

6.3 *Where do I send the notice?*

The notice form and all accompanying documents required by the *EIHW Regulations* must be sent either by courier, registered mail, or by facsimile to the following Canadian authority:

Chief, Hazardous Waste Management Division
Office of Waste Management
Environment Canada
Place Vincent Massey, 12th Floor
351 St. Joseph Blvd.
Hull, Quebec
K1A 0H3

Fax: (819) 953-0508

Except when Canada is simply a country of transit, only residents of Canada and corporations with a place of business in Canada use the notice form prescribed by the *EIHW Regulations*.

6.4 How do I fill out a notice form?

Although an agent may help in completing the form, the notice must be signed by the Canadian exporter or importer.

There are two type of notices set out in Schedule II of the *EIHW Regulations*. Form 1, entitled "NOTICE-PRÉAVIS", should be used by all Canadian importers and exporters of hazardous waste. Form 2, "TRANSIT NOTICE-PRÉAVIS DE TRANSIT", is to be used only when Canada is simply a country of transit. Instructions on how to complete these notices are provided on the back of each form.

The notifier must provide the address and licence numbers of the exporter, the importer, and the carrier(s). Since the notifier on an import/export notice must be a resident of Canada or a corporation with a place of business in Canada, the notifier must provide a Canadian address even if the forms are being partially filled out by, for example, a foreign head office. It is also very important to provide a street address as well as any post office box number, especially for the shipping/receiving site.

As well, the notifier must give detailed information on the waste and the intended shipping route. The notice form must be signed by the notifier certifying that she/he has personal knowledge of the information on the form and that it is correct.

When the disposal or recycling operation is given as:

- D13 (Blending or mixing)
- D14 (Repackaging)
- R12 (Waste exchange) or
- R13 (Accumulation)

or when the importer is a buyer pursuant to section 17(1)(b) of the *EIHW Regulations*, the notifier must also provide information on the final destination of the waste.

In the case of an export from Canada, the exporter must also sign the undertaking given in the notice. In signing this statement, the exporter undertakes to ensure that other arrangements will be made if a shipment of hazardous waste cannot be completed as stated in the notice. The exporter must agree to re-import the waste that was sent if other arrangements cannot be made. Should an exporter fail to comply with the undertaking, this person or company will be permanently banned from exporting or importing hazardous waste in Canada.

For more information on the notice, please refer to the *User's Guide to the Export/Import Notice*, another guide in this series.

6.5 *What attachments are required?*

Except when Canada is only a country of transit, a number of documents must be sent to Environment Canada in addition to the notice form itself. These documents must be sent at the same time and in the same manner as the completed notice form.

The *EIHW Regulations* require that a copy of the contract between the exporter and the importer be included with all export and import notices. (See Section 7 of this guide for more details on the type of contract required.) Proof must also be provided that the carrier and Canadian exporter or importer have sufficient insurance. (See Section 7 of this guide for more details on the type of insurance required.)

In the case of import or export for disposal by means of release or incineration at sea (D7 or D11), the notifier must also enclose a copy of the ocean dumping permit required under subsection 67(2) of *CEPA*.

A few other documents are part of the notice itself and should only be attached if additional space is required to complete the form. This may be the case for certain shipping details such as the list of customs offices, the names of transit countries and lengths of stay, and the special handling instructions.

6.6 *How do I notify for multiple shipments?*

*Section 4 of the
EIHW Regulations*

A single notice form may be used to notify for a series of international shipments of hazardous waste, subject to the following conditions:

- the generator and generating site remains the same;
- the wastes are to be shipped to the same disposer or recycler at the same location for disposal or recycling at the same facility;
- the wastes have essentially the same physical and chemical characteristics;
- the shipment will pass through the same Customs offices in all the countries involved;
- none of the other information on the notice will change significantly.

This allows a generator to notify for multiple shipments of a waste to a given facility that will take place within one year, if consent is obtained. The other provisions of the *EIHW Regulations* concerning such things as manifesting, insurance, packaging, placarding, and labelling still apply to each individual shipment.

If any of the information provided on the notice changes at any time before the last shipment of a series of shipments, the shipment is no longer covered by the original notice and a new notice must be given. A new notice must also be given if the total amount to be shipped exceeds the amount given in the original notice.

6.7 What can I do if some of the information changes after I have submitted a notice?

In general, changes in the information on the notice would require re-notification, since confirmation of consent is granted based on the original information. However, updates and minor changes that do not significantly alter the notice, such as a change in phone number, may not necessarily require re-notification. The Hazardous Waste Management Division of Environment Canada should be contacted to obtain information on the need for re-notification.

6.8 What are the language requirements for the notice and attachments?

The notice and all attachments may be submitted to Environment Canada in either English or French. The importing country may sometimes require that the information be provided in another language of its choice. In this case, the Canadian exporter will be asked by Environment Canada to provide any additional information in the language requested by the foreign authority.

Since these requirements vary from country to country, an exporter may wish to contact Environment Canada before submitting a notice to determine whether a given country requires information in another language. Compliance with such foreign requests will speed up the notification process and may minimize delays at border crossings or in transit.

6.9 *How soon before the intended shipment must I notify?*

The length of time required to obtain confirmation of consent can vary greatly from case to case. The type of waste, its destination, the disposal/recycling operation to be used, and the number of transit countries can all effect the length of time between notification and consent.

Environment Canada acts as an intermediary between the notifier and other governments. As such, Environment Canada cannot predict or control the length of time it will take these other authorities to respond to the request for consent.

In general, the notifier should normally allow at least 60 days for the administrative review process for shipments to and from the U.S. except where the *EIHW Regulations* allow shipment of certain wastes to OECD countries after a given time has elapsed. More time should be allowed for shipments to other countries especially when confirmation of consent is required.

It must be emphasized, however, that the issuance of consent may or may not correspond to the exact intended shipping dates set out in the notice. Only after the notifier has received consent, either written or tacit, is the shipment allowed to proceed. The letters of acknowledgement of receipt and of confirmation of consent state when shipping may begin. These letter are normally valid for up to one year. The import or export may take place at any time within this period.

6.10 *Where can I get more copies of the notice form?*

All notices will have a unique serial number as provided by Environment Canada. Additional copies of the notice form must therefore be obtained through Environment Canada. Contact the Hazardous Waste Management Division in Hull, Quebec or telephone any of the Regional Offices of Environment Canada given below.

Atlantic: (902) 426-6141

(Newfoundland, Nova Scotia, New Brunswick, Prince Edward Island)

Quebec: (514) 283-0248

Ontario: (416) 973-5858

Western and Northern: (403) 468-8020

(Manitoba, Saskatchewan, Alberta, Northwest Territories)

Pacific and Yukon: (604) 666-6711

(British Columbia, Yukon Territory)

7 CONTRACTS AND INSURANCE

7.1 What contracts or arrangements are required?

Except when Canada is only a country of transit, the *EIHW Regulations* require proof of the existence of a written contract or series of contracts between the importer and the exporter.

The contract(s)/arrangement(s) must be signed by both the importer and the exporter. If the importer and the exporter happen to be the same company (legal entity) doing business in both countries, company representatives from both countries must sign the contract.

A copy of the contract(s), excluding any confidential financial information, must be provided to Environment Canada at the same time and in the same manner as the notice is given. This will provide proof that an actual business arrangement exists between the importer and the exporter.

7.2 What must be included in the contracts?

It is not necessary to include any of the confidential financial details of the contract/arrangement.

The contract or arrangement between the exporter and the importer, which is to be provided to the authority at the time of notification, must contain the following information:

- the code for the proposed recycling or disposal operation to be used, as described in Schedule I of the *EIHW Regulations*;
- a statement by the importer that he/she will return a completed copy of the manifest to Environment Canada within 3 days of accepting the waste for recycling or disposal;
- a statement by the importer that a certificate of recycling or of disposal will be returned to Environment Canada within 30 days after the recycling or disposal operation actually takes place;

- in the case of an export from Canada, a term that requires the foreign importer who accepts the waste but cannot complete the recycling or disposal operation to take all practicable measures to help the exporter fulfil the terms of the undertaking given in the notice;
- in the case of an import into Canada, a term that requires the importer who accepts the waste but cannot complete the recycling or disposal operation to take all practicable measures to help the country of export to comply with Article 8 of the *Basel Convention*; and
- where the waste is to be exported in accordance with the conditions set out in Part III, Division B and is to be recycled by operation R12 (waste exchange) or R13 (accumulation), a term that prohibits the importer from subsequently re-exporting the waste unless the requirements of paragraph 16(g) of the *EIHW Regulations* are met.

7.3 Who must be insured?

The *EIHW Regulations* require that all Canadian exporters and importers of hazardous waste must be covered by liability insurance. All carriers involved in international shipments of hazardous waste where Canada is one of the countries concerned must also be insured. The *EIHW Regulations* describe how much coverage is required as well as what time period and type of accident the insurance must cover.

7.4 What insurance coverage is required?

*Sections 9 and 14 and
Subsections 16(2), 17(2)
of the EIHW Regulations*

The insurance should cover:

- any damage to third parties for which the exporter, importer, or carrier is responsible; and,
- any costs imposed by law on the exporter, importer, or carrier to clean up the environment as a result of any hazardous waste being released into the environment.

The following is the minimum amount of insurance required.

- For importer and exporter of hazardous waste shipped in accordance with the conditions set out in Part II (disposal) or Part III, Division A (recycling, full controls): **\$ 5 000 000.**

- For importer and exporter of hazardous waste shipped in accordance with the conditions set out in Part III, Division B (recycling, modified controls): \$ 1 000 000.
- In all cases, carriers must have the amount of insurance required by the law of the countries through which the shipment of hazardous waste is carried or by international conventions.

For exports, the insurance must cover liability arising from the time that the hazardous waste leaves the shipping site of the exporter to the time that an authorized facility accepts delivery of the waste for recycling or disposal, including a facility in Canada if the waste must be re-imported.

For imports, the insurance must cover liability from the time that the hazardous waste enters Canada to the time that an authorized facility in Canada accepts the delivery of the waste for recycling or disposal, or if the waste must be returned, to the time that the waste leaves Canada.

Insurance for transits must cover from the time that the hazardous waste enters Canada to the time it leaves Canada.

8 CARRIERS

8.1 What is meant by "authorized carrier"?

*Section 2 of the
EIHWS Regulations*

A carrier who, where required by law, has been issued a licence, permit, certificate, or other written authorization to carry the type of hazardous waste being imported, exported, or carried in transit is considered to be an "authorized carrier". This authorization must be issued by the appropriate governmental or international authority. If written authorization is not required by law, "authorized carrier" means a carrier who is authorized under applicable laws to carry the type of hazardous waste being exported or imported. All carriers of hazardous waste involved in an international shipment in Canada must be authorized carriers.

8.2 What are the duties of a carrier?

While in Canada, the carrier must comply with the TDG Regulations as well as with all applicable local, provincial, and federal laws.

In addition to being authorized, the carrier has certain responsibilities, most of which are related to transport safety and are covered by the *TDG Regulations*.

However, a number of conditions in the *EIHWS Regulations* relate to the carrier.

- The carrier must complete and sign Part B of the manifest and give it to the importer when the shipment is completed.
- The carrier must make sure that the manifest, the notice, and the letter of confirmation or acknowledgement accompany the waste in the proper location according to the *TDG Regulations*.
- The carrier must deposit copies of the manifest, notice, and letter of confirmation or acknowledgement at Canadian Customs.

The carrier must also obey all international, federal, provincial, and local legislation relating to the transportation of the shipment in question and carry the appropriate liability insurance coverage.

8.3 Who must be notified in case of an accident or unforeseen change in the shipping route?

If any accident occurs involving hazardous waste, safety should be the prime consideration. Local authorities should be contacted and the appropriate actions taken in accordance with the laws of the area in which the accident occurred.

The carrier should immediately notify the Canadian exporter of any accident or other incident that makes it impossible to complete the export as stated in the notice. This could include incidents such as:

- deviations from the shipping route for technical reasons so that different customs points are used or a country not mentioned on the notice is entered;
- a delay en route that would cause the shipment to proceed after the final date on the letter of consent;
- refusal of foreign country to permit entry or of the importer to accept the delivery.

It is then the exporter's responsibility to notify Environment Canada and the competent authorities in the countries concerned so that other arrangement can be made.

9 TRANSPORT AND DOCUMENTATION

9.1 *What if the shipment is subject to other transportation laws?*

Shipments of hazardous waste may be subject to other local, provincial, national, or international laws in addition to the *EIHW Regulations*. The *EIHW Regulations* are meant to complement other regulations or international laws and agreements that control various other aspect of hazardous waste shipments, especially those related to safety. The provisions of the *EIHW Regulations* do not override or replace any other current federal or international legislation concerning the transportation of dangerous goods under which any given shipment of hazardous waste may be controlled.

It is very important to note that most of the wastes will be subject to the *TDG Regulations* in Canada. Exporters and carriers must comply with TDG requirements such as proper vehicle placarding, training, and packaging of waste.

9.2 *How must the waste be prepared for transport?*

Except for waste listed in Parts I and IV of Schedule III of the *EIHW Regulations*, all shipments of hazardous waste entering or leaving Canada must be packaged, labelled, and placarded in accordance with the provision of the *TDG Regulations*. Wastes listed in Part I, Division A or Part IV of Schedule III of the *EIHW Regulations* must be packaged, labelled, and placarded as if they belonged to Class 9, Packing Group III as defined in the United Nations' *Recommendations on the Transport of Dangerous Goods*, 7th Revised Edition, 1991.

Normally, it is the exporter's responsibility to ensure that the shipment is properly prepared for transport. For an import into Canada, the importer must ensure that the foreign exporter and the carrier comply with these requirements.

9.3 What papers should accompany the shipment?

The *EIHW Regulations* require that the waste shipment be accompanied by a waste manifest bearing the corresponding notice number, as well as copies of the notice, and the letter of confirmation of consent or, where the *EIHW Regulations* permit, the letter of acknowledgement. These documents are to be stored in the locations defined in the *TDG Regulations*.

9.4 Who must fill out the manifest?

The waste manifest is to be filled out in the same manner as required by Part IV of the *TDG Regulations*, with the exporter acting as the consignor and the importer acting as the consignee. Section A must be completed and signed by the exporter; Section B, by the carrier of the shipment; and Section C, by the importer of the shipment.

A Canadian waste manifest must accompany all hazardous waste imports into, exports from, and transits through Canada. The corresponding notice reference number must be written on the manifest. This number is normally written in the Special Handling Section of the Canadian waste manifest.

For more information on manifesting, please refer to the *User's Guide to the Hazardous Waste Manifest* and to Part IV of the *TDG Regulations*.

9.5 What forms must be deposited at Canadian Customs points?

For the purpose of the *EIHW Regulations*, the carrier must deposit copies of the manifest, the notice, and the letter of confirmation of consent at Canadian Customs points as required under the *Customs Act*.

If the *EIHW Regulations* do not require written confirmation of consent before shipment, a copy of the letter of acknowledgement of receipt of the notice with the appropriate date showing tacit consent must be deposited instead.

10 RECYCLING AND DISPOSAL FACILITIES

10.1 What is meant by "authorized facility"?

*Section 2 of the
EIHWR Regulations*

An authorized facility is a facility that has been issued a licence, permit, certificate, or other written authorization to recycle or dispose of a specific type of hazardous waste in the manner stated on the notice. This must be issued by the competent authority.

Hazardous waste cannot be exported from or imported into Canada unless the receiving disposal or recycling facility is an authorized facility.

10.2 What is a pre-approved recycling facility?

A pre-approved recycling facility is a facility that has been approved in advance by the competent governmental authority in that country to receive shipment of certain types of waste. With pre-approval, an importer from an OECD country can import hazardous waste listed in Parts III or IV of Schedule III of the *EIHWR Regulations* from another OECD country under the 7-day tacit consent scheme. All of the conditions that must be met are defined in Part III, Division B of the *EIHWR Regulations*.

In the case of a Canadian facility, the Canadian disposer/recycler may apply to have his/her facility pre-approved by submitting the form outlined in Schedule IV of the *EIHWR Regulations* to Environment Canada. This information is forwarded to the province in question which may grant approval for the facility to receive a certain quantity of a specific waste over a given period of time. The province may also rescind this pre-approval at any time.

Owners/operators of foreign facilities must apply for pre-approval in their own country. For a Canadian export to be shipped under the 7-day tacit consent scheme, the foreign facility must be on the list of pre-approved facilities prepared by the OECD.

10.3 *Which documents must be filled out by the receiver?*

An importer in Canada or a person who receives a Canadian export in another country and accepts a shipment of hazardous waste is responsible for filling out two different documents, the manifest and the certificate of disposal/recycling.

This person must complete, sign, and return a copy of the manifest to Environment Canada within three days of accepting the shipment for recycling or disposal.

Within 30 days after the completion of the disposal or recycling operation, a letter certifying that the operation has actually taken place must be forwarded to Environment Canada.

10.4 *Can a receiving facility reject a shipment?*

A facility may refuse a shipment for a number of reasons. As stated in the contract, the importer is still required to take all practicable measures to help the exporter make other arrangements to complete the shipment. All other legal and financial issues related to this refusal are solely the concerns of the exporter and the importer.

10.5 *What must be done if the operation in the notice cannot be performed?*

Once a waste has been exported from Canada, if it becomes impossible for the recycling or disposal operation stated in the notice to take place, the Canadian exporter is responsible for communicating this fact to Environment Canada and the competent authorities in the countries concerned.

The exporter must then make other arrangements, as approved by Environment Canada and the other authorities involved, to have the waste recycled or disposed of by some other means. Unless the time period is modified by Canadian or foreign authorities, the exporter has 90 days after the date of delivery and acceptance of the waste by the receiver to make other arrangements. If the waste has not been delivered to the facility, the exporter has 10 days from the day that he/she found out that the waste could not be delivered or would not be accepted by the facility to make other arrangements.

If this is not possible within the given time, the exporter must make arrangements to re-import the waste to a place in Canada as approved by Environment Canada. This is consistent with the undertaking that the exporter signed on the notice form. Failure to comply with this undertaking will result in the exporter being permanently banned from exporting or importing hazardous waste in Canada.

When a waste has been imported into Canada, the importer is responsible for taking all practical measures to help fulfil the foreign exporter's obligations to make other arrangements or to re-import the waste.

None of the other export/import conditions set out in Parts II or III of the *EIHW Regulations* will apply to hazardous wastes that are being re-imported or re-exported under the provisions of Part IV of the *EIHW Regulations*.

Appendices

*A. Definitions**

Authorized carrier: a carrier who, where required by law, has been issued a licence, permit, certificate, or written authorization to transport the type of hazardous waste being imported, exported, or carried in transit. This authorization must be issued by the appropriate governmental or international authority; in any other case, a carrier who is authorized under applicable laws to transport the type of hazardous waste that is being exported, imported, or carried in transit.

Authorized facility: a facility where a type of hazardous waste, as specified in the notice, will be accepted for disposal or recycling and to which a licence, permit, or certificate has been issued by the appropriate authority to carry out the disposal or recycling operation as specified in the notice.

Basel Convention: *Basel Convention* on the control of transboundary movement of hazardous wastes and their disposal, sponsored by the United Nations in 1989, in force as of May 5, 1992.

CEPA: Canadian Environmental Protection Act, R.S. 1985 c.16 (4th Supp.), as amended.

Competent authority: the authority, organization, or person in a country who is legally competent to consent to a transit through, an export from, or an import into that country of a type of hazardous waste.

Country of export: a country, other than a country of transit, from which a hazardous waste is being exported, or from which it is proposed a hazardous waste be exported, either for recycling or disposal.

Country of import: a country to which hazardous waste is being imported or to which it is proposed hazardous waste be imported either for disposal or recycling in that country, including any area over which this country exercises administrative or regulatory responsibilities for the protection of the environment or human health. A country of import can also be a country where the loading has taken place before disposal or recycling in an area outside the jurisdiction of any country, i.e., the open sea.

Country of transit: a country through which a shipment of hazardous waste will pass without being disposed of or recycled.

* *These definitions are not intended to replace the legal definitions or the interpretation given in the **EIHW Regulations**.*

Disposal: any operation set out in Column I of an item of Part I of Schedule I of the *EIHW Regulations*, including storage pending that operation.

Disposer: any person to whom a hazardous waste is shipped and who carries out the disposal of that waste.

EIHW Regulations: *Export and Import of Hazardous Waste Regulations* pursuant to subsection 45(3) of the *Canadian Environmental Protection Act*.

Exporter: any person who exports or proposes to export a hazardous waste from Canada.

Importer: any person who imports or proposes to import hazardous waste into Canada.

IWIC code: International Waste Identification Code pursuant to the OECD Council Decision C88(90)/Final.

Notice: the notice of a proposed export or import of a hazardous waste that must be given to Environment Canada before any import, export, or transit can occur.

OECD: Organization for Economic Cooperation and Development, consisting of governmental representatives from more than twenty industrialized nations.

OECD Decision: Decision of the OECD Council on March 30, 1992 concerning the control of transfrontier movements of wastes destined for recycling operations.

PIN: Product Identification Number as defined in the *TDG Regulations*.

Recycler: a person to whom a hazardous waste is shipped and who carries out the recycling of that waste.

Recycling: any operation set out in Column I of an item of Part II of Schedule I of the *EIHW Regulations*.

TDG Regulations: *Transportation of Dangerous Goods Regulations*.

Undertaking: a statement on the notice form that a Canadian exporter must sign. In signing, the exporter undertakes to make other arrangements or re-import his/her waste should the recycling or disposal not be able to take place after the export, in accordance with section 19 of the *EIHW Regulations*.

Waste ID number: number given in Column II of an item in Schedule III of the *EIHW Regulations*.

Waste manifest: a shipping document pursuant to Part IV the *TDG Regulations* that is required by the *EIHW Regulations* to accompany all shipments of hazardous waste subject to the *EIHW Regulations*.

B. Countries which ratified the Basel Convention (as of November 1992)*

Argentina	France	Poland
Australia	Hungary	Romania
Bahrain	India	Saudi Arabia
Bahamas	Jordan	Senegal
Canada	Latvia	Sri Lanka
Chile	Liechtenstein	Sweden
China	Maldives	Switzerland
Cyprus	Mexico	Syrian Arab Republic
Czechoslovakia	Monaco	United Arab Emirates
El Salvador	Nigeria	Uruguay
Estonia	Norway	
Finland	Panama	

C. OECD Countries

Australia	Greece	Norway
Austria	Iceland	Portugal
Belgium	Ireland	Spain
Canada	Italy	Sweden
Denmark	Japan	Switzerland
Finland	Luxembourg	Turkey
France	Netherlands	United Kingdom
Germany	New Zealand	United States

* This list is subject to change. Please contact the Hazardous Waste Management Division of Environment Canada to verify the status of any particular country.

D. Appropriate authorities

For more information on the *Export and Import of Hazardous Wastes Regulations*, contact Environment Canada headquarters office in Hull or one of the regional offices listed below:

Office of Waste Management
Hazardous Waste Management Division
Environment Canada
351 St. Joseph Blvd., 12th Floor
Hull, Quebec
K1A 0H3
Tel: (819) 997-3377
Fax: (819) 953-0508

Atlantic: (902) 426-6141
(Newfoundland, Nova Scotia, New Brunswick, Prince Edward Island)

Quebec: (514) 283-2678

Ontario: (416) 973-1809

Western and Northern: (403) 468-8019
(Manitoba, Saskatchewan, Alberta, Northwest Territories)

Pacific and Yukon: (604) 666-6664
(British Columbia, Yukon Territory)

The following is a list of appropriate authorities in Canada who can provide information on the management of hazardous waste within their jurisdictions.

Alberta

Alberta Environment
Industrial Wastes Branch
Oxbridge Place
9820 - 106th Street
Edmonton, Alberta
T5K 2J6
(403) 427-5847

Manitoba

Manitoba Department of the Environment
Dangerous Goods
Building 2
139 Tuxedo Avenue
Winnipeg, Manitoba
R3N 0H6
(204) 945-7025

British Columbia

Environmental Protection
B.C. Ministry of Environment
777 Broughton Street
Victoria, British Columbia
V8V 1X5
(604) 387-9955

New Brunswick

Dept. of the Environment
Operations
P.O. Box 6000
364 Argyle Street
Fredericton, New Brunswick
E3B 5H1
(506) 457-4848

Newfoundland

Dept. of Environment and Lands
Confederation Building (West Block)
P.O. Box 8700
St. John's, Newfoundland
A1B 4J6
(709) 729-2565

Northwest Territories

Pollution Control Division
Department of Renewable Resources
Scotia Centre, 7th Floor
P.O. Box 1320
Yellowknife, N.W.T.
X1A 2L9
(403) 873-7654

Nova Scotia

Hazardous Materials Officer
Department of the Environment
P.O. Box 2107
Halifax, Nova Scotia
B3J 3B7
(902) 424-5300

Ontario

Waste Management Branch
Ontario Ministry of the Environment
2 St. Clair Avenue West
Toronto, Ontario
M4V 1P5
(416) 323-5201

Prince Edward Island

Department of the Environment
P.O. Box 2000
Charlottetown, P.E.I.
C1A 7N8
(902) 368-5000

Quebec

Guidance and Regional Services Directorate
Ministry of the Environment
3900 Marly St., P.O. Box 15
Sainte-Foy, Quebec
G1X 4E4
(418) 643-7456

Saskatchewan

Air and Land Protection Branch
Waste Management Section
Saskatchewan Environment & Public Safety
3085 Albert Street
Regina, Saskatchewan
S4S 0B1
(306) 787-6412

Yukon

Department of Community and Transportation
Services
Government of the Yukon
P.O. Box 2703
Whitehorse, Yukon
Y1A 2C6
(403) 667-3032

